



"The City With a Heart"

Larry Franzella, Mayor
Rico Medina, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Jim Ruane, Councilmember

MINUTES

CITY COUNCIL MEETING

April 11, 2006
7:00 pm

THIS IS TO CERTIFY THAT: The San Bruno City Council met in regular session on April 11, 2006 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. ROLL CALL: Presiding was Mayor Franzella with Councilmembers, Medina, Ruane, Ibarra and O'Connell in attendance. Recorded by Deputy City Clerk Hasha

ANNOUNCEMENTS:

A Community Meeting on the 2006 Fireworks Education and Enforcement Program will be held on Wed., April 12, at 6:30 p.m. in Room 115 at City Hall. Any interested resident is encouraged to attend.

Councilmember Ibarra announced that the 63rd Annual Posey Parade, will take place, Sunday, June 4th. It begins in downtown San Bruno and ends in City Park, it is a tradition we are very proud of.

Councilmember O'Connell reminded that the 8th Annual Operation Clean Sweep is going to be on Saturday, May 6th, volunteers are to meet in City Park, registration is at 9:00 a.m. You may also pre-register on-line www.sanbruno.ca.gov or call the Clean Sweep Hotline at 616-7145.

PRESENTATIONS:

Present Proclamation congratulating Wattson Brevast, Owner of The Shops at Tanforan, on receipt of the San Francisco Business Journal's Best Suburban Commercial Renovation Project of 2005 Award.

Mayor Franzella requested this proclamation be held over until the next meeting because Mr. Brevast was unable to attend this evening's meeting.

2. REVIEW OF AGENDA: No changes were made.

3. APPROVAL OF MINUTES: The minutes were approved as submitted.

4. CONSENT CALENDAR: All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.

- a. **Approve:** Payroll of March 24, 2006.
- b. **Approve:** Accounts Payable of February 20, 2006 and February 27, 2006

M/S Ruane/Medina to approve, passed with a unanimous vote.

5. PUBLIC HEARINGS (Notices have been published, posted and mailed):

- a. Hold Public Hearing and Adopt Resolution Ordering Amendment to the **City of San Bruno Classification Plan** by Adopting Position Description and by Adopting Salary Range for **Accounting Supervisor Position**.

Human Resources Manager Yuki explained the Accounting Supervisor position is a proposed new position (with the same salary) to replace an existing position of accountant in the Finance Department currently vacant. She detailed the responsibilities of the accountant position.

Mayor Franzella opened the public hearing and asked if anyone wished to address the Council on this item; however, no one wished to speak.

M/S Ruane/Ibarra to close the public hearing, passed with a unanimous vote.

Councilmember Ruane introduced the resolution for adoption, roll call vote of all ayes.

6. UNFINISHED BUSINESS: None.

7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT:

- a. Adopt Resolution Approving Award of Contract for the Purchase of **Scott Air Pak Self Contained Breathing Apparatus** to Allstar Equipment, Inc. in the amount of \$134,228.

Finance Director O’Leary gave an oral update on the staff report regarding the purchase of the breathing apparatus, noting that a good portion to be paid through grant money, \$105,000., the balance to be covered through the City’s Equipment Reserve Fund.

Councilmember Ibarra introduced the resolution for adoption, roll call vote of all ayes.

- b. Adopt Resolution Authorizing the City Manager to Execute a Contract in an Amount Not to Exceed \$70,555. with **Environmental Science Associates** for Environmental Review of a Proposed Single Family Home Development at the **Former Carl Sandberg School Site**.

Community Development Director Heyden reviewed the staff report and recommended Environmental Science Associates be contracted for an environmental review of the former Carl Sandberg School site. The cost will be born by the applicant subject to a reimbursement agreement with the City.

Councilmember Ibarra asked if it was better for the City to use ESA over other consultants that have been used previously.

Community Development Director Heyden said she felt it was a good idea to rotate our consultants.

Councilmember Ibarra said he visited the site and felt it was great, but had concerns about traffic.

Councilmember O’Connell asked about the transportation circulation; she was aware the Fire Department is consulted but wanted to know if the same applies to the garbage company.

Community Development Director Heyden said the garbage company has already been consulted and the layout of the community is satisfactory for their trucks.

Councilmember Ruane introduced the resolution for adoption, roll call vote of all ayes.

- c. Adopt Resolution authorizing the City Manager to Execute a Contract with **Avery Associates** for **Executive Recruitment Services** in an Amount Not to Exceed \$45,000.

City Manager Jackson said staff is proposing a contract with Avery Associates to recruit two high level positions in the City, Police Chief and Public Works Director.

Councilmember Ibarra asked if these executive firms were hired for every department head vacancy.

City Manager Jackson said in San Bruno it has been done internally and externally.

Councilmember Ibarra said we did not do an executive search for a Fire Chief and we did well. He asked if there was a chance we didn't have to do an executive search for one or both of the positions?

City Manager Jackson said this would provide the widest possible distribution with a focused outreach to candidates. Finding a qualified Public Works Director will be a challenge, while the search for a Police Chief can start with internal candidates.

Councilmember Ibarra said it seemed like a lot of money. He said if we have capable candidates who have served in the City of San Bruno, why go through the practice of spending thousands of dollars?

City Manager Jackson said she anticipated it would be between \$20,000. and \$25,000. for one position. The benefit of a strong recruitment is having a strong candidate pool and if one of the positions were to be picked it should be the Public Works Director.

Councilmember Ibarra said he saw the benefits of the Public Works Director but he felt we could go $\frac{3}{4}$ speed on the recruitment for a Police Chief because of capable in house candidates.

City Manager Jackson said she believed there was room to tailor the recruitment effort in a manner that reduces the cost, particularly with the Police Chief position.

Councilmember Ibarra said there might be a capable inside candidate for Public Works; however, some have left.

Councilmember Medina expressed his concerns over the expenditure of funds at a time when we are trying to save money. He asked if the cost could be lowered to the budget.

Councilmember O'Connell said she appreciates getting the best we can for our City.

Councilmember Medina asked for clarification from the City Manager on the "not to exceed \$45,000."

City Manager Jackson said she would use every effort to negotiate with the recruiter and look into scaling back on the cost by doing some of the police recruitment in house.

Councilmember Ibarra asked in the first phase, what if there wasn't a good response?

City Manager Jackson said, generally a recruiter, has engaged in a contract to bring a qualified candidate.

Councilmember O'Connell introduced the resolution for adoption, roll call vote of all ayes.

8. COMMUNICATIONS: None.

9. STAFF REPORTS:

a. Receive Report Recommending Key Provisions for New Ordinance Regarding Regulation of Vehicle and Mobile Vendors.

City Attorney Thompson asked Council to bring back an ordinance the first meeting in May focused specifically in vehicle vendors. By focusing on the vehicle vendors the City is able to utilize a greater authority for regulation. The ordinance would include an annual permit process, a time limitation at any location, recommended thirty minutes, requirements the vendors maintain a safe distance from locations like exits from parking lots, disabled parking spots and loading zones. She also recommended the Council include provisions minimizing noise disruption.

Councilmember Ruane asked about pushcarts.

City Attorney Thompson said there are peddlers and solicitors who go door-to-door and have first amendment protections. Then there are vehicle vendors who primarily use the City streets, which gives the City a greater authority to regulate them. In the middle of that scheme are the pushcart vendors. She stated they are currently regulated under Section 416 of the Municipal Code they are required to have permits and they are banned from certain locations.

Mayor Franzella asked what is the violation for going in the park?

City Attorney Thompson believed going in the park could constitute a misdemeanor violation or an infraction.

Mayor Franzella asked if there was a monetary fine?

City Attorney Thompson said up to \$1000 can be imposed if it is a misdemeanor; \$100 can be assessed if it is first time infraction, \$200 for a second violation and \$500 for a third violation within twelve months.

Mayor Franzella said the current ordinance provides these limitations, does it provide the means for citation?

City Attorney Thompson said she didn't know if it allowed for an administrative citation process to be utilized but it is an amendment that can be made to the ordinance.

Mayor Franzella recommended a separate ordinance be done on the mobile vendors and also bring forward any changes to the push cart vendors and create an enforcement vehicle which police can enforce.

Councilmember Medina concurred in dealing with the mobile food vendors immediately.

City Attorney Thompson asked if the Council would agree to encompass broadening the ordinance to include all vehicle vendors.

Mayor Franzella said yes.

Councilmember Ibarra asked about the ice cream man, in a vehicle, making noise and causing unsafe situations.

City Attorney Thompson said she believed the ice cream vendor could be incorporated in the ordinance she is proposing.

Scott Buschman, Claremont Dr., agreed with the City Attorney's recommendations. He felt the vendors needed education in the beginning. He asked that a background check be done to protect our citizens.

Verna, Taco Vendor, expressed her concerns the new ordinance doesn't sound fair and she didn't know what she would do in the future.

Mayor Franzella said the Council will review the rules but they have been put in a position where surrounding communities have changed their rules and it appears everyone has come to this community, which has caused safety concerns.

Verna said she has two trucks and she was forced to take out a license in Millbrae.

Councilmember Ibarra said the City was looking at time constraints and safety issues but she would still be allowed to be a vendor, just with different rules.

Councilmember Ruane said none of these proposals have been made to put anyone out of business. He said there is a demand for the mobile vendor's services. He said more controls on safety and health issues would be beneficial to the vendors and a protection to all the citizens.

Councilmember Ibarra asked if the City Attorney or staff could provide the applicable sections from the County Health Department these vendors have to comply?

City Attorney Thompson said they were delineated within the Health and Safety Code and she would get the exact provisions.

b. Adopt Resolution Accepting the Cost Allocation Plans Prepared by Revenue and Cost Specialists and Authorize the Revenue Ad Hoc Committee to Direct Implementation of the Cost Allocation Plan's Results in the 2006-07 Master Fee Schedule Update and the 2006-07 City Budget.

Assistant Finance Director Pegueros gave an overview of the Cost Allocation Plans and asked Council accept the Plans as proposed by Revenue and Cost Specialists. At the May 9 meeting, the Department will present the results of the Development Fee Study and request the City Council accept the findings of that study. He asked Council's direction on how these documents should be implemented. We can stay with the existing methodology, or the Master Fee Schedule and the City Budget incorporate the findings of the cost allocation plan at any level.

Councilmember Ibarra understood the need to recover administrative costs but he asked for an explanation of the Cost Allocation Plan for general services in the City.

Assistant Finance Director Pegueros said the cost allocation plan is a tool by which the Council can evaluate the cost recovery aspects of user fees. The Cost Allocation Plan calculates what the general administration cost is for a specific department then that can be broken out to user fees at the full discretion of the Council. Currently the fees reflect an 8% charge for general administration, that number is always up for consideration and the hope of the Finance Department is the Revenue Ad Hoc Committee would provide us direction on how to implement the findings of this study in the Master Fee Schedule and the City Budget.

Councilmember Ibarra introduced the resolution for adoption, roll call vote of all ayes.

10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None.

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: No one wished to speak.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Mayor Franzella thanked staff, as well as the cooperation of the weather, for the annual Easter Egg Hunt.

13. NEW BUSINESS: None

14. ADJOURNMENT:

Mayor Franzella adjourned the meeting with a moment of silence in memory of **Edith McClurg**, one of the founding members of the Library Foundation.

The next regular City Council meeting will be held on April 25, 2006, 7:00 p.m. at The Senior Center, 1555 Crystal Springs Road.

Respectfully submitted for approval
at the regular City Council Meeting of
April 25, 2006.

Carol Bonner, City Clerk

Larry Franzella, Mayor